

Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLEUNITED STATES OF AMERICA,  
Plaintiff,

v.

SERGEI POTAPENKO and  
IVAN TURÕGIN,  
Defendants.

NO. CR22-185 RSL

**UNITED STATES' RESPONSE TO  
DEFENDANT'S LETTER TO THE  
COURT [ECF 175]**

The government submits this filing in response to defendants' April 11, 2025, filing. ECF 175. On Sunday, April 6, 2025, the prosecution team received defense counsel's initial email communication, reporting that the U.S. Department of Homeland Security ("DHS") had emailed defendants indicating they should "depart the United States immediately." *See* ECF 175, Exhs. A, B. This would have required defendants to leave the country before being sentenced and in violation of the Court's order requiring them to remain in King County. Sentencing is an important part of any criminal case, but especially in this case, where the forfeiture of assets worth hundreds of millions of dollars (including a substantial amount of cryptocurrency) will be final as to defendants at the time they are sentenced. *See* Preliminary Order of Forfeiture, ECF 174, at p. 15. These funds would then be available to compensate victims for losses they incurred as a result of the offense conduct.

The prosecution reached out to Homeland Security Investigations (“HSI”), a division of DHS, on April 6 for guidance. The next day, April 7, after review, HSI recommended that the Federal Bureau of Investigation (“FBI”) submit a request for “deferred action” to permit defendants to remain in the country pending sentencing in their criminal case. FBI immediately submitted that request. HSI also contacted DHS’s Enforcement and Removal Operations (“ERO”) in Seattle to ensure that ERO was aware of the situation and the need for defendants to remain in the country pending sentencing.

Throughout the week, the Department of Justice, FBI, and HSI worked to secure approval for deferred action for defendants. On Friday, April 11, shortly after defendants’ filing, the prosecution team received letters from HSI approving deferred action for both defendants. The prosecution team provided these letters to defense counsel that same afternoon.

The deferred action letters, one addressed to each defendant, provide, in relevant part:

Deferred action will allow you to remain in the United States until it has been determined by the United States Government that the need for this type of action is no longer warranted. Deferred action does not confer any immigration benefits upon you. It is also not a reflection of your immigration status.

This deferred action period lasts for one year, beginning April 11, 2025. Since the defendants’ sentencing is scheduled for August 14, 2025, this should provide ample time for the sentencing to take place.

DATED: April 17, 2025

Respectfully submitted,

TEAL LUTHY MILLER  
Acting United States Attorney

/s/ Andrew C. Friedman  
ANDREW C. FRIEDMAN  
SOK TEA JIANG  
Assistant United States Attorneys  
United States Attorney’s Office  
700 Stewart Street, Suite 5220  
Seattle, Washington 98101-1271  
Telephone: (206) 553-7970  
[Andrew.Friedman@usdoj.gov](mailto:Andrew.Friedman@usdoj.gov)  
[Sok.Jiang@usdoj.gov](mailto:Sok.Jiang@usdoj.gov)

MARGARET A. MOESER, Chief  
Money Laundering and Asset Recovery  
Section, Criminal Division  
U.S. Department of Justice

/s/ Adrienne E. Rosen  
ADRIENNE E. ROSEN  
DAVID GINENSKY, Trial Attorneys  
US DOJ, Criminal Division, MLARS  
1400 New York Avenue, NW  
Washington, DC 20005  
(202) 616-2690  
[Adrienne.Rosen@usdoj.gov](mailto:Adrienne.Rosen@usdoj.gov)  
[David.Ginensky@usdoj.gov](mailto:David.Ginensky@usdoj.gov)